



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,628	02/14/2001	Patrick Thomas Greer	480062.777	4365

35243 7590 08/29/2007
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE, WA 98104-7092

EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
----------	--------------

2144

MAIL DATE	DELIVERY MODE
-----------	---------------

08/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	09/788,628	GREER ET AL.	
	Examiner	Art Unit	
	Tammy T. Nguyen	2144	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires (3) months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: NONE.
Claim(s) objected to: NONE.
Claim(s) rejected: 18 and 31-56.
Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

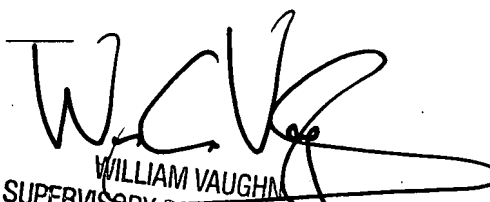
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).

13. ☒ Other: See Continuation Sheet.


WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 13. Other: Applicants argue that Cragun does not teach "constructing a uniform resource locator (URL) from the received bar code information, wherein at least a portion of the URL, comprises the UCC company identifier and the UCC item identifier constructed as at least a "www" followed by at least the UCC company identifier and the UCC item identifier". In response to Applicant's argument, the Patent examiner maintains the rejection because Cragun teaches constructing a uniform resource locator (URL) from the received bar code information, wherein at least a portion of the URL [http], comprises the UCC company identifier and the UCC item identifier constructed as at least a "www" followed by at least the UCC company identifier [UPC 310 or yummy.corp.com] and the UCC item identifier as shown in [see Cragun fig.3, 34567-89012.... [http:// peanut.food.com/??CID??&??SIP??](http://peanut.food.com/??CID??&??SIP??), col.7, lines 27-47]. Cragun clearly discloses the application claimed invention.

Applicants argue that Cragun fails to disclose a URL comprising a UCC item identifier. In response to Applicant's argument, the Patent examiner maintains the rejection because Cragun teaches a URL comprising a UCC item identifier (CID) as shown in Cragun fig.3, 34567-89012.... [http:// peanut.food.com/??CID??&??SIP??](http://peanut.food.com/??CID??&??SIP??), col.7, lines 27-47. Cragun clearly shows the application claimed invention.

Applicants argue that Cragun does not teach or suggest "appending the UCC company identifier to 'www'.UCC company identifier". In response to Applicant's argument, the Patent examiner maintains the rejection because Cragun teaches this feature as shown following: appending the UCC company identifier to www. [see fig.2, <http://www/language=Spanish&CNAME>]To construct the www.UCC company identifier portion of URL[[http:// peanut.food.com/??CID??&??SIP??](http://peanut.food.com/??CID??&??SIP??)]; and appending the item identifier to "/" to construct the / "item identifier" portion of the URL [[http:// peanut.food.com/??CID??&??SIP??](http://peanut.food.com/??CID??&??SIP??), col.7, lines 27-47]. Cragun clearly discloses application claimed invention.

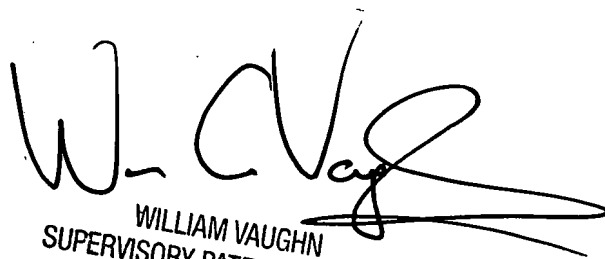
Applicants argue that Cragun does not teach or suggest "constructing a uniform resource locator (URL) with the UCC company identifier". In response to Applicant's argument, the Patent examiner maintains the rejection because Cragun discloses constructing a uniform resource locator (URL) with the UCC company identifier therein as shown in Cragun fig.3, 34567-89012.... [http:// peanut.food.com/??CID??&??SIP??](http://peanut.food.com/??CID??&??SIP??), col.7, lines 27-47. Cragun clearly shows the application claimed invention.

Applicants argue that the combination of Cragun in view of Nerlikar do not teach "constructing a uniform resource locator (URL) from the data read from the RF tag corresponding to the bar code, wherein a portion of said URL comprises the UCC company identifier... wherein said 'company identifier' comprising number assigned by the manufacture. In response to Applicant's argument, the Patent examiner maintains the rejection because the combination of Cragun in view of Nerlikar cited following: constructing a uniform resource locator (URL) from the data read from the corresponding to the bar code, wherein a portion of said URL comprises the Uniform Code Council (UCC) company identifier and the UCC item identifier [see Cragun fig.3, <http://yummy.corp.com/??language??>, col.6, lines 45 to 67]; calling the URL[see Cragun, col.8, lines 6-62, processing program 110 send the complete URL via wireless network device]; and displaying information associated with said URL [see Cragun, col.8, lines 45-62, when document requested by completed URL return to client computer and displayed on display screen], and wherein said "company identifier" comprises a number assigned by the UCC and said "item identifier" [see Cragun col.3, lines 58-61, customer identifier ID] comprises a number assigned by a manufacturer [see Cragun fig.3, 34567-89012.... [http:// peanut.food.com/??CID??&??SIP??](http://peanut.food.com/??CID??&??SIP??)]. However, Cragun does not explicitly teach a radio frequency (RF) tag.

29. In the same field of endeavor, Nerlikar discloses (e.g.,...information management and security system). Nerlikar discloses RF tag [Nerlikar, see col.4, lines 15-31, and col.6, lines 9-19].

30. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have incorporated Nerlikar's teachings of information management and security system with the teachings of Cragun to have reading data from an RF tag because it would have provided The frequency of the waves transmitted by a specific radio station.

Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 18, 35, 48, and 50. 31-34, 36-47, 49, 51-56 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action.


 WILLIAM VAUGHN
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100